



Ohio Revised Code

Section 2117.30 Suits against executor or administrator.

Effective: January 13, 2012

Legislation: Senate Bill 124 - 129th General Assembly

(A) No suit shall be brought against an executor or administrator by a creditor of the decedent or by any other party interested in the estate until after five months from the time of the appointment of the executor or administrator, or the expiration of the further time allowed by the probate court for the collection of the assets of the estate, except in the following cases:

- (1) On claims rejected in whole or in part;
- (2) For the enforcement of a lien against or involving title to specific property;
- (3) For the recovery of a claim that would not be affected by the insolvency of the estate;
- (4) On account of fraud, conversion, or concealment of assets;
- (5) Any other action as to which a different rule is prescribed by statute.

(B) When an executor or administrator dies, resigns, or is removed without having fully administered the estate of the deceased, the time between the executor's or administrator's death, resignation, or removal and the appointment of a successor shall be excluded in computing the five months or longer period provided in division (A) of this section. In any event, the executor's or administrator's successor shall not be held to answer the suit until after the expiration of four months from the date of the successor's appointment, or a further time allowed the executor or administrator by the court for the collection of the assets of the estate.
